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NOTICE OF ALLOWANCE AND FEE(S) DUE

1218 7590 07/23/2008
CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK, NY 10016

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|-----------------|--------------|
| EXAMINER | |
| SMYTH, ANDREW P | |
| ART UNIT | PAPER NUMBER |

2881
DATE MAILED: 07/23/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/774,003 | 02/06/2004 | Joseph D. Napoli | 133107 | 8991 |

TITLE OF INVENTION: DEVICE FOR TESTING SURFACES OF ARTICLES FOR TRACES OF EXPLOSIVES AND/OR DRUGS

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$300 | \$0 | \$1740 | 10/23/2008 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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| (Depositor's name) |
| (Signature) |
| (Date) |

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| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-----------------|----------|----------------|
| SMYTH, ANDREW P | 2881 | 250-288000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
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3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

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☐ Publication Fee (No small entity discount permitted)
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☐ Payment by credit card. Form PTO-2038 is attached.
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5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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DATE MAILED: 07/23/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 664 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 664 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/774,003

Examiner

ANDREW SMYTH

Applicant(s)

NAPOLI, JOSEPH D.

Art Unit

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/16/2008.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 05/24/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Jack I. Berman/
Primary Examiner, Art Unit 2881

DETAILED ACTION

Response to Amendment

1. Claim 1 amended.
2. Claims 9-21 previously allowed.

Response to Arguments

Allowable Subject Matter

1. Claims 1-21 are allowed.
2. The configuration was not found in a prior art search. The following is a listing/
statement of reasons for the indication of allowable subject matter.

The search failed to show or suggest the prior use of:

The configuration/ combination of elements of independent claim 1. An apparatus for collecting samples of interest from a card, the apparatus comprising a housing formed with a slot dimensioned for slidably receiving the card, at least **one wiper disposed in the housing substantially adjacent the slot for biased engagement against the card slid through the slot and an enclosure formed separately from the wiper, at least a portion of the enclosure selectively movable for enclosing the wiper after the card has been slid through the slot and for subsequently opening to permit another card to be slid through the slot.**

2. Dependent claims 2-8 are allowable due to dependency upon allowable independent claim 1.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art is closely related art that individually or in combination could be considered grounds for rejection. See references cited for a listing of the pertinent prior art found and the prior art found.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Smyth whose telephone number is 571-270-1746. The examiner can normally be reached on 7:30AM - 5:00PM; Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jack I. Berman/
Primary Examiner, Art Unit 2881

/A. S./

Examiner, Art Unit 2881

1. (currently amended) An apparatus for collecting samples of interest from a card, the apparatus comprising a housing formed with a slot dimensioned for slidably receiving the card, at least one wiper disposed in the housing substantially adjacent the slot for biased engagement against the card slid through the slot and an enclosure formed separately from the wiper, at least a portion of ~~which is~~ the enclosure selectively movable for enclosing the wiper after the card has been slid through the slot and for subsequently opening to permit another card to be slid through the slot.
2. (original) The apparatus of claim 1, wherein the slot is configured to define a direction of movement for sliding the card through the slot, the wiper having a wiping blade with a longitudinal direction aligned substantially orthogonal to the direction of movement.
3. (previously presented) The apparatus of claim 1, wherein the at least one wiper comprises two wipers substantially juxtaposed to one another and projecting into the slot from opposite sides of the slot so that a card slidably received in the slot passes between the juxtaposed wipers, each said wiper having a blade, the blades being disposed respectively for contact with opposite sides of the card, the blades being resiliently deflectable away from one another in response to forces exerted by the card.

4. (original) The apparatus of claim 1, wherein the wiper is formed from an electrically conductive material.
5. (original) The apparatus of claim 4, wherein the electrically conductive material is a metallic foil having a thickness of between about 0.002-0.004 inch.
6. (original) The apparatus of claim 4, wherein the wiper has a blade for contacting the card and a plurality of spring arms extending from the blade for supporting the blade in the housing, the spring arms of the wiper being spaced sufficiently from one another for reducing thermal mass of the wiper and facilitating deflection.
7. (original) The apparatus of claim 1, further comprising connections for applying an electric current to the wiper for selectively heating the wiper.
8. (original) The apparatus of claim 1, further comprising a sensor for sensing movement of the card through the slot.
9. (original) An apparatus for collecting samples from surfaces of a card, the apparatus comprising first and second wipers formed from an electrically conductive material, each said wiper having a blade with a wiping area, the wiping areas being disposed for

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contacting opposite surfaces of the card upon insertion of the card between the wipers, an enclosure for selectively enclosing said wipers, and a heater for heating the wipers sufficiently for vaporizing samples of material collected on said wiping edges.

10. (original) The apparatus of claim 9, wherein the blades of the wipers are oriented to define an acute angle to a card disposed between the wipers.

11. (original) The apparatus of claim 9, wherein the wiping areas of the wipers are preloaded against one another.

12. (original) The apparatus of claim 9, wherein the enclosure for enclosing said wipers includes first and second shells, at least one of said shells being movable toward and away from the other of the shells for selectively enclosing the wipers, the apparatus further comprising a detector communicating with said enclosure and operative for detecting substances of interest collected on said wipers from said card.

13. (original) The apparatus of claim 12, wherein the detector is an ion trap mobility spectrometer.

14. (original) An apparatus for testing for substances of interest on surfaces of a card, said apparatus comprising;
a housing having a slot formed therein for slidably receiving said card; first and second

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metallic wipers disposed in said apparatus and in proximity to said slot, said first and second metallic wipers being formed respectively with first and second resiliently deflectable wiper blades biased toward one another, said blades having wiping areas disposed relative to one another for contacting opposite surfaces of said card upon moving said card through said slot;

an enclosure selectively movable from an open position where said wipers are exposed for access at said slot and a closed position where said wipers are substantially enclosed;

an electric heater for heating said wipers when said enclosure is in said closed position; and

a detector communicating with said enclosure for testing for substances of interest collected on said blades of said wipers.

15. (original) The apparatus of claim 14, further comprising a sensor for sensing passage of said card through said slot, said sensor generating a signal for closing said enclosure when said sensor means senses the passage of said card.

16. (original) The apparatus of claim 14, wherein each said wiper has a plurality of spring arms extending from the blade of the respective wiper, said spring arms being spaced apart for reducing thermal mass and increasing flexibility.

17. (original) The apparatus of claim 14, wherein the wipers are formed from a stainless steel having a thickness of between approximately 0.002-0.004 inch.

18. (previously presented) A method for testing for substances of interest, said method comprising:

receiving a substantially flat card from a suspect;

passing the card against at least one resiliently deflectable metallic wiper

mounted in a testing apparatus so that said wiper removes substances from said card;

separating the card from the wiper; enclosing the wiper in an enclosure in the testing apparatus;

heating the wiper in the enclosure sufficiently for desorbing substances removed from said card and onto said wiper;

placing said wiper in communication with a detector; and testing the desorbed substances for the presence of a substance of interest.

19. (original) The method of claim 18, wherein the step of heating comprises heating the wiper to a temperature of approximately 240°C.

20. (original) The method of claim 18, further comprising the step of opening the enclosure after the testing step.

21. (previously presented) The method of claim 18, wherein the at least one resiliently

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deflectable metallic wiper comprises at least one pair of opposed resiliently deflectable metallic wipers, and wherein the step of passing the card against a resiliently deflectable metallic wiper comprises passing the card between the opposed resiliently deflectable metallic wipers so that the wipers remove substances from opposite sides of the card, and wherein the step of enclosing the wiper comprises enclosing the pair of wipers.